

## REMARKS

This RCE is intended as a full and complete response to the Final Office Action dated August 19, 2005, having a shortened statutory period for response set to expire on November 19, 2005. Please disregard the Response to Final Office Action, filed September 19, 2005, and the Second Response to Final Office Action, filed October 6, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 29-43 are rejected and claims 15-28 are indicated to be allowable by the Examiner.

Claims 15-39 and 41-44 remain pending in the application after entry of this response. Claim 40 has been cancelled by Applicants without prejudice. Claims 29 and 43 have been amended and new claim 44 has been added. No new matter has been added by either the amendments or new claim. Reconsideration of the rejected claims is requested for reasons presented below.

### ***Claim Rejections – 35 USC § 112***

Claim 43 stands rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Applicants have amended claim 43 to remove “second”. Applicants believe this may have caused some confusion. Applicants had intended the overshot tool to be the “first” tool and labeled the additional tool a “second” tool. Applicants describe running a tool through the overshot tool at paras. [0017] and [055] of the published application (U.S. 2004/0256871).

### ***Claim Rejections – 35 USC § 102***

Claims 29-33, 35, 36, 38 and 39 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Chenoweth* (U.S. 3,199,906). Applicants have amended claim 29 to incorporate claim 40. Withdrawal of the rejection is respectfully requested.

### ***Claim Rejections – 35 USC § 103***

Claims 29-34, 36-38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Beeman* (U.S. 5,242,201) in view of *Taylor* (U.S. 5,765,638). Applicants respectfully traverse the rejection. Claim 40 has been canceled.

Regarding claims 29-34 and 36-38, *Beeman* does not teach, suggest, or disclose either “a gripping member disposed in the housing and comprising: an inclined outer surface which mates with the inclined inner surface of the housing,” or “wickers disposed along the inner surface of the gripping member,” as recited in claim 29. *Taylor* does not teach, suggest, or disclose “a piston disposed in the housing and coupled to the gripping member, the piston disengaging the gripping member from the item when actuated by fluid pressure,” as recited in claim 29.

There is no motivation to combine *Beeman* with *Taylor*. The Examiner asserts that the motivation to combine is to provide inclined outer surfaces to *Beeman*'s overshot tool in order to increase the gripping area of the tool. Adding inclined surfaces to the outer surfaces of the collet heads would not increase the gripping area. Combining *Taylor* with *Beeman* would also contradict a primary teaching of *Beeman*. *Beeman* teaches an overshot tool for fish having a well-defined receiving profile (i.e. groove 98) for receiving collet heads 92. *Beeman* relies on the collet heads being received in the groove to couple the overshot tool to the fish. While this may be suitable for retrieving tools having such a profile, it is ill suited for fishing drill pipe, tubing, casing, etc. Failure of these members may leave an irregular profile not suited for receiving collet heads.

Further, *Beeman* teaches away from a combination with an overshot tool having slips, such as *Taylor*'s (*Taylor* teaches an improved washout seal for a Bowen-type overshot tool). In his Background section, *Beeman* surveys the prior art (about 20 references) and concludes that the art teaches hydraulically/mechanically set slips releasable by breaking some sort of shear element. *Beeman* never comments on why he chooses collets over slips but he does recognize a shortcoming of the collets: little/no torque transmission capability. Rather than propose an alternative design with slips, he adds lugs to his design to rectify the problem (Figs. 9 and 10). This further complicates the required profile of the fish (see above).

Therefore, claim 29 is patentable over *Beeman* in view of *Taylor*. Claims 30-34 and 36-38 are also patentable over *Beeman* in view of *Taylor* since they depend from claim 29.

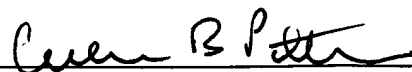
Regarding claim 42, *Beeman* and *Taylor*, either alone or in combination, do not teach, suggest, or disclose either “injecting a fluid through the workstring, the overshoot tool, and the item, wherein the fluid will be choked by the item, thereby actuating the piston to disengage the gripping member from the item,” as recited in claim 42. Further, *Beeman* does not teach, suggest, or disclose “pulling the workstring, thereby actuating the gripping member from a partially engaged position to an engaged position;” and *Taylor* does not teach, suggest, or disclose “providing the overshoot tool, comprising a ... a piston,” as recited in claim 42.

*Beeman* does not specifically disclose how the pressure drop is achieved to actuate the collet ring 74 (or 20 for the spear embodiment). However, it is evident from *Beeman*'s drawings that he disposes a nozzle at the end of tapered segment 56 for his spear embodiment (Figs. 1-4) and has a reduced inner diameter portion (unnumbered) at the end of the mandrel 10 for his overshoot embodiment (Figs. 5-8). (See also paras. [0015]-[0018] of the Application (U.S. 2004/0256871).) Further *Beeman* does not disclose a sealing element of any kind for engagement with the fish. Thus, *Beeman* is not utilizing the fish to provide a choke for his piston. *Taylor* does not teach, suggest, or disclose using any kind of piston to actuate his tool. Therefore, claim 42 is patentable over *Beeman* in view of *Taylor*.

**Conclusion**

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the Final Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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